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IN THE

Supreme Court of the United States

OCTOBER TERM, A.D. 1960.

No. 1012 152

DONALD CHASE ALLENSWORTH,

Petitioner,

vs.

FIRST GALESBURG NATIONAL BANK AND TRUST COMPANY (a corporation),

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF ILLINOIS

DONALD C. ALLENSWORTH,
161 North Farnham Street,
Galesburg, Illinois,
Petitioner, Pro Se.

INDEX.

	PAGE
Jurisdiction	1
Question Presented	2
Statement of Case	3
Reasons for Granting the Writ	6
Conclusion	31
Appendix	33

CITATIONS

Cases:

Beaties v. People, 33 Ill. App. 651	28
Christianson v. People ex rel Kellog Switchboard & Supply Co., 114 App. 40, aff. 216 Ill. 354, 75 N.E. 108	27
Seibert v. People, 143 Ill. App. 571, 32 N.E. 431	29

Statutes:

Jones Illinois Statutes Annotated—	
37.317, Sec. 158	27
37.427, Sec. 225	27
37.431, Sec. 229	28
37.432, Sec. 230	29

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To The Honorable, The Chief Justice And The Associate Justices Of The Supreme Court Of The United States:

JURISDICTION.

The judgment of the Appellate Court was affirmed April 27, 1944.

Certiorari from the Supreme Court of the United States to the Supreme Court of Illinois.

Final judgments, or decrees, rendered in the highest Court of Illinois in which a decision could be had, may

be reviewed by the Supreme Court of the United States by a Writ of Certiorari.

(3) Where any right, title, privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of, or commission or authority exercised under, the United States.

QUESTION PRESENTED.

Petitioner Donald C. Allensworth prays that a Writ of Certiorari issue to review the judgment of the Supreme Court of Illinois affirming a judgment of the Appellate Court of Illinois (Second District) which affirmed the judgment of the Knox County Circuit Court, Master in Chancery Webb A. Herlocker, Chancellor, in the sale by the then Master of real estate in the City of Galesburg, Illinois, described as follows:

> "All that part of Block Eighteen (18) in the City of Galesburg, Knox County, Illinois bounded as follows: beginning at the North West Corner of said Block and running thence East One Hundred and Fifty-six and Three-Fourths (156.75) Feet, thence South Sixty (60) Feet, thence West One Hundred and Fifty-six and Three-fourths (156.75) Feet, thence North Sixty (60) Feet to the place of beginning, together with the equipment, fixtures, and all and other appurtenances thereto pertaining including the steel I-beams (sets) for the additional upper floors and ⅝" billet steel reinforcing rods for the construction of floors and columns to make part of the desired additional four floors and ceilings all stored on the second and portion of the 3rd floor (East bays to wings of old stage), and the defendant's tools and construction equipment (winches, concrete forms, chutes, cable, truck (dump), most of which is shown on Receiver's Inventory by Clias. H. Bossong."

STATEMENT OF CASE.

The case is an alleged partition action begun by Mary Weinberg, et al. vs. Edwin M. Jenkins (Donald C. Allensworth, defendant), wherein the Jenkinses refused to join the Jenkinses until they were persuaded by the Weinbergs to join them. Allensworth's deed was escrowed with the defendant bank.

That the voluminous hearings were begun without plan for the reason that the attorney for the defendant bank did not know how to proceed and the Master in Chancery was little help, as they intended to be fraudulent in the matter and sought to do so with immunity to themselves. Their entire purpose was to decide to carry the case forward without knowing how they were to prevent any rightful representation by defendant pro se, and to attempt to formulate some kind of plan wherein they might have the property without allowing right of any kind to the defendant, who owned half by escrow deed. It turned out that the decree they were to draw up would not concede nor grant anything to defendant.

That defendant asked Mr. F. O. Gustafson to appear and give testimony. Mr. Gustafson was asked, "Do you believe that I did my work on the Plaza Building in good faith?" The answer was "Yes, Don, I believe you did."

Attorney R. C. Woolsey and the Master Webb A. Herlocker both made affidavits to the Appellate Court November 16, 1943 that "Neither the question nor the answer was asked in this court," and both swore same by their signatures to the Appellate Court first sending defendant a copy which was rather badly scribbled over.

Defendant took the copy which defendant received through the mail and went to the office of Mr. K. D. McClelland because defendant remembered Mr. McClelland was standing in the door (but was not seen by any of the principals for the reason that he had not entered the room). Mr. McClelland was greatly incensed that he found himself to refute their affidavit and said to defendant to come to my home this evening and I will see that you receive an affidavit, which defendant desired to take to Ottawa the next day to take to the court. That Mr. McClelland met defendant at the door and handed the affidavit he had drawn to defendant, and they went to the college and Mr. Wilson Pennington acknowledged same. It is this affidavit which is included in the Petition herein. Defendant took same to Streator and Ottawa the next day, and was asked by Mr. J. R. Richardson, "Have you served copies on the other side?" Defendant returned to Galesburg via Peoria by bus on which was Attorney Burrel Barash. Defendant decided to show same to Mr. Barash, who had made oral argument that day for the court.

Mr. Barash: "They will shoot you."
Defendant: "Two can play that game."
Mr. Barash: "You say you will shoot them?"

Defendant did not answer and the rest of the journey neither said anything. There is one other affidavit at the court which was filed in the case which was made by Mr. Cecil Franseen which challenges the authenticity of the testimony of Mr. A. L. Weinberg, which defendant did not find June 9, 1960, but defendant respectfully incorporates same with this petition and will go to Ottawa, or write for a copy or photostatic copy of same. That the case was continued through the Supreme Court and to this Court. The case was denied in the Supreme Court upon Leave to Appeal and Appeal taken to this Court. Denial January 20,

1960. A copy for the Record was requested to be sent to the Supreme Court, which upon reading, petitioner realized the first part of the case,—that entitled Mary Weinberg vs. Edwin M. Jenkins (12140 In Chancery, Appellate Gen. No. 9917), defendant immediately wired for Record from the Appellate Court at Ottawa and found same awaiting him June 9, 1960 at which time defendant asked for and received the Mr. Kellogg D. McClelland Affidavit, and found same with the papers stored by the court. The Affidavit did not show receipt so Mr. Richardson could not give defendant a certified copy, but did give him a photostatic copy of the Affidavit which shows the date, from which the copy was made. If the photostatic copy is not good enough for the respondents they have the right to go to Ottawa and see the original of which they have a copy furnished them February 5, 1944. For purpose of proof the value of the photostatic copy is as good as the original for defendant, but if the Court would desire better proof, defendant respectfully offers to pay for the costs of transportation of the original for the Court if it desires same. The Certiorari Appeal by Petition is due June 16, 1960 and defendant respectfully believes the printers will have same in Washington on or before that date.

REASONS FOR GRANTING THE WRIT.

That most of the steel and equipment usable in the building then being built by the defendant bank owner of the Victor Casket Hardware Co. (Inc.) was taken by the President Gus C. Pahlow, who had bid on same at the Master's Sale of July 23, 1943 for $9025 at the sale held by the said Master and clerked by Mr. R. C. Woolsey, (trust officer of said bank), who neglected to hear the earlier bid of same amount by Attorney Burrel Barash for Mr. Sidney Nirdlinger, V. P. of the bank, and Omer H. Custer, President. That Mr. Pahlow was let out as President after he had turned the property over to the defendant bank, but keeping the contents and disposing of them first by transporting the steel and I-beams to the site of the Victor Casket Hardware Company on 249 South Chambers Street (owned by the subsidiary corporation of said bank).

That the Record shows the substitution of the alleged receiver appointed by Judge Riley E. Stevens by the tenant (a Mr. Chas. Longest) then occupying the Paramount Cafe (the East 16' x 60' part of the building capable of being occupied). That Mr. Longest was given the contents of the building as much as he appropriated by Mr. R. C. Woolsey, who had assumed rights of ownership for the said bank, and accepted the duties of the Receiver who resigned, who was Mr. Chas. H. Bossong, Mgr. of American Foundries for the bank owner. That defendant had no knowledge of the substitution, being only a litigant attempting to defend himself within one year in the Appellate Court, discovered in the Record June 9, 1960 by petitioner upon making a trip to secure the Record of Mary Weinberg vs. Edwin M. Jenkins for Certiorari due June 18, 1960 in the Supreme Court of the United States, Washington, D.C.

That petitioner went to the Appellate Court to obtain a copy of the Affidavit filed in the cause February 4, 1944, signed by Mr. Kellogg D. McClelland, Treasurer Emeritus for Knox College, and discovered same and asked for a certified copy which was refused because there was no stamp upon the affidavit by the Court showing receipt, but received a photostatic copy of same, which is attached to this Petition, and made a part hereof. It is the respectful contention of petitioner that it is not necessary to request another copy from Mr. McClelland, whose office is in the new Seymore Library Building of Knox College, but Mr. McClelland will make same for petitioner upon request, if the Court desires.

If the authenticity or efficiency of the photostatic copy of Mr. McClelland's affidavit is challenged or questioned, of which they have a copy by their attorney, Mr. R. C. Woolsey, which was served upon them at the express direction of the Chief Clerk of the Appellate Court February 4, 1944, they have the right to go to Ottawa, Illinois and request a showing of the original which is there, and receive a photostatic copy if they wish.

Another affidavit by Mr. Cecil Franseen is also on file at the Appellate Court which shows the method and plan of Mr. A. L. Weinberg (associate in the enterprise with defendant), which shows the illegal intention of Mr. Weinberg to take the interest of defendant by his believed control of the bookkeeper Mr. Franseen, which was not found on June 9, 1960, but which is there and available and will be requested from the Chief Clerk, Mr. Julius Richardson, assisted by the Sheriff, Mr. Utsey, and attached to this Petition as soon as possible, and is made a part hereof by reference at this time.

The Affidavit by Mr. Kellogg D. McClelland is respectfully believed not to have been stamped at the Appellate Court February 4, 1944 for the reason that the building was attempted to have been taken before completion by defendant, and taken by the defendant bank while in the process of completion. Defendant's contract with Mr. Weinberg provided for the completion "To the satisfaction of tenant's leasing of the first floor and basement, which was done by the agent bank upon rental or pretended sale to the Galesburg Glass Company upon finding someone who would take the building under that plan." It is respectfully believed that defendant is entitled to ordered delivery of the escrowed deed from the respondent bank, and to the complete Mechanic's Lien against the A. L. Weinberg Estate, plus interest from date of contract (January 26, 1938) as per Abstract, Appellate Court No. 9917, Supreme Court of Illinois No. 28242, October Term, 1944 affirmance by denial of Petition for Leave to Appeal.

The Affidavit furnished by Mr. Kellogg D. McClelland is as follows:

Galesburg, Illinois
January 31, 1944

I, Kellogg D. McClelland, make the following affidavit at the request of Don Allensworth:

That I was a witness called by Don Allensworth to testify at a hearing at the Knox County Court House before the Master in Chancery in the case of Weinberg vs. Jenkins concerning matters having to do with the building known as the Plaza Theater Building and that it is my recollection that the witness who testified immediately before I was called to the witness stand was asked by Don Allensworth "Do you think I did my work on the Plaza Building in good faith?" or words to that effect and that the purport of the answer was in the affirmative.

s/ Kellogg D. McClelland

Subscribed and sworn to before me
this 31st day of January, A.D. 1944.
/s/ J. Wilson Pennington
(Seal) Notary Public

That petitioner also reports that on February 4, 1944, defendant attended the opening session of the Appellate Court and took the bus to Peoria taking with him the affidavit back to Galesburg to make the copies at the order of the Clerk, and serve same, on which Attorney Burrel Barash was riding having appeared that day before the Court to make argument orally. That defendant (petitioner) decided to show the affidavit he had shown but not submitted to the Appellate Court to Attorney Burrel Barash, who is known to be an attorney for Vice President Nirdlinger and the bank. That defendant did show the affidavit to Mr. Barash, who read same which was held for him. Mr. Barash said: "They will shoot you." Defendant: "Two can play that game." Mr. Barash: "You say that you will shoot them?" Defendant did not answer.

That the conspiracy to obtain the property has been caused more after the failure of the said bank to obtain same than it has since the determinations found by the Appellate Court of affirmance of the Knox County Court for the reason that the abeyance of the holding of any true title caused the creation of the Conspiracy to correct and create same. The additional sympathetic conspiracies to obtain assistance from all willing to be prevailed upon have been formulated. The attempts upon the life of petitioner have been made and proven in the pleadings, or alleged by petitioner, but they have not been successful. The original effort by Mr. R. C. Woolsey to obtain the property for the controlling bank he knew were stymied because he knew he was disbarred for his perjury. The

use of the Doctors to wrongly medicate was a plan and part of the Conspiracy, as was the use of the lawyers and organization to foist diseased prostitute upon defendant, of whom defendant's brother and his attorneys were several, headed by Mr. Custer and Mr. Nirdlinger.

The wrongful use of the leaders of the Knox County Bar Association by prostitution of their efforts to correct the partial gaining of the property, including the controlling of the County Judge Merle H. Adams, Kiowa, Colo., Attorney Paul Snyder, Castle Rock, Colo., who was assigned to take defendant's money to give lease to petitioner's tenant, who was protected in the changing of same, and the prevention of petitioner's acceptance of ASC Soil Bank offer of payments of $850 per year, all of which is respectfully requested to be charged against the owned interest of Mr. Cecil Hasenbalg who owns a ¼ section adjoining the land in which petitioner owns ½ fee with the Elliotts who have been prevailed upon to join the lawyers to prevent the renting of their land, and the nailing shut of cottage built to help. That the Elliotts were wrongfully prevailed upon by the lawyers and judge Burton A. Roeth, Cir. Clerk William K. Richardson and Attorney Leo F. O'Brien to prevent correct practice and process to regain property of petitioner so that the Elliotts might have the earnings of same, to their loss. That the son-in-law of Mrs. Elliott was prevailed upon to put strychnine in petitioner's food in his stove safe Christmas Eve, 1955, or 1956 (when petitioner was invited to Christmas dinner near Canton, Illinois) and is now being kept in Canada to prevent his being questioned, but his testimony as to who paid him to do it is ascertainable upon discovery of his whereabouts, which would have been fatal had not petitioner thrown it up by evening and was able to eat some

Oyster Stew, which helped him to overcome the effects of the poisoning.

That at this writing petitioner is seeking the correction of the Simla Colorado situation in order that the Soil Bank may lease the land for the Government, through Mr. Lewis N. Florey, Government Manager at Simla, Colo., all in order that the Elliots have the ¼ owed in fee to the owners and sought to be placed to the credit of the Elliotts which will give them a place to live (4 room house) and the income from their ½ fee of the land leased to the ASC, which is sought by Mr. Packner who owns 50 head of Holstein cows and needs the pasture and has agreed to take care of the fences if the Soil Bank can pay same to the owners for his use of the pasture of the 480. That the lawyers at the head of the Knox County Control of lawyers have destroyed the efforts of Petitioner to do more for the Elliotts, who have also been offered ½ interest in a valuable property taken by the Knox County Control located at 149-151 Allens Avenue, which petitioner has asked Miss Grace Elliott (who pays the expenses for the Elliotts), assisted by Miss. Reese Elliott (Mr. Malcolm Douglas Wilson now being kept in Canada to prevent the party using him to poison petitioner from being apprehended.)

That all of petitioner's efforts in the saving of the property for the Elliotts has been in good faith, against the prevailment by the lawyers just to cause petitioner to not realize anything even if it costs the Elliotts at the same time. That the prevailment upon the Elliotts to go against their agreement (on file at the Knox Circuit Recorder's office), is a part of the Conspiracy to cause petitioner to lose (and the Elliotts who have been told they can get the property, they have paid to petitioner, back "if they

do as they are told.") The situation as to the income from the Colorado land is that it is owed ~~and collectable~~ against the tenant who is cooperating with the dishonest Knox County lawyers simply because they ask for it. R.C. Woolsey, Leo O'Brien, and a Judge or two.

That petitioner began a case in Elbert County, Colorado and employed G. W. Brown to serve the papers of distraint upon Cecil Hasenbalg which were ignored at the believed order of the Judge, who also took the costs of the case, but would give petitioner no representation. Petitioner employed Paul Snyder (Weds. at Kiowa), who decided to make light of the whole matter and would not even allow petitioner's Agent (Andy Mechita, Calhan, Colo.), to either see sample or take owner's share. The Judge, Merle H. Adams, refused to allow petitioner to have any law because he was advised by the dishonest lawyers in control of the Bar Association in Knox County, not to permit any money to be had. That Adams did send a tax bill for 1958 which petitioner paid, and a bill for 1959 which has not yet been paid.

Petitioner respectfully says the Elliotts need their ½ of the money due for the crops since 1957, when petitioner was out there and knows the Hasenbaughs (the Svanigas. Miss Marguerite Svanigas is now Mrs. Hasenbaugh.) Hasenbaugh has pretended to have sold his 160 but has not to the real estate man in the Springs. Have had some correspondence but see that Hasenbaugh still owns the property and the owners would like to foreclose for what is owed by any lawyer of Kiowa County Seat or Simla, Colorado who is honest. Defendant will get nothing for his representation of the Elliotts who deeded him a ½ fee interest to see that the property makes a proper return. This duty is owed to the Elliotts even if they have been prevailed

upon to act against him. That petitioner owns ½ of the 480 section 8 deed to him by the Elliotts, and respectfully desires to obtain the help of the law to do it, since petitioner knows that they are now in the control of the conspiracy just because the crowd wants the Plaza property in Knox County.

That the Master in Chancery of the Knox Circuit Court, with R. C. Woolsey, committed perjury to the Appellate Court November 16, 1943, wherein both said: The question "Do you believe I did my work on the Plaza Building in good faith?", was neither asked nor answered in this court. The affidavit herewith submitted proves the question and the answer by Mr. K. D. McClelland, Treas. Emeritus, Knox College, who was also made a party by R. C. Woolsey.

The crime of perjury is a continuing one and cannot toll its own demise, which is only possible upon punishment by a legally constituted court. Wherefore petitioner respectfully prays for such tolling in this action for Certiorari.

That by direction by the Deputy Clerk of the Supreme Court of the United States, Mr. F. J. Blanchard, petitioner employed Mr. Michael F. X. Dolan to represent him in the Certiorari Appeal and paid Mr. Dolan a fee of $25 and $700.

That petitioner further agreed to pay Mr. M. F. X. Dolan $1500 additional upon demand and had the money in the bank awaiting demand. That Mr. F. X. Dolan submitted the following letter to petitioner asking to be relieved from the representation of petitioner and to any further representation of petitioner. That for the reason that petitioner made the discovery at the Office of the Deputy Clerk, Mr.

F. J. Blanchard, upon study of the Record submitted to the Supreme Court of the United States by Mrs. Earle Benjamin Searey, Clerk of the Supreme Court of Illinois, that only the latter portion of the case against the 1st Galesburg National Bank and Trust Company (a corporation), was furnished to the Supreme Court of the United States, and it was necessary to wire for the first half at the Appellate Court of Illinois for the Second District, at Ottawa, Illinois, and since the Certiorari Appeal was to be printed, petitioner wired Mr. Paul V. Wunder, Clerk of the Appellate Court, Ottawa, Illinois, for the Record in Mary Weinberg vs. Edwin M. Jenkins (Donald C. Allensworth, defendant) (No. 12140 In Chancery, Appellate Court No. 9917), and that petitioner would pick up same the next day, June 9, 1960, which he did.

Mr. Michael F. X. Dolan's letter is as follows, hereto attached and made a part of the Petition:

Law Offices
MICHAEL F. X. DOLAN
Mills Building
Washington, D. C.
National 8-1177

May 20, 1960

Mr. Donald C. Allensworth
161 North Farnham St.,
Galesburg, Illinois.

Dear Mr. Allensworth:

This will acknowledge receipt on Monday, May 16, 1960, of your check in the sum of $500, representing payment of my retainer fee for legal services as set forth in my letter to you, dated May 12, 1960.

On Tuesday, May 17, 1960, I visited the Office of the Clerk of the Supreme Court and read all papers filed up to that date, including the Record from the Supreme Court of Illinois.

As you are well aware, the content of the filed papers is voluminous, and the history of your controversy in Galesburg goes back many years.

From my reading of the file, together with my conversations with you and my reading of all the various past Appellate Decisions involving you, it is my impression that the Judgment which you want to have the Supreme Court of the U. S. review is the Judgment of the Supreme Court of Illinois, denying Leave to you to appeal from the Judgment of the Appellate Court of Illinois, which affirmed the order of the Knox County Court adjudicating you in contempt of this latter Court's order.

The next determination which I have deemed it my duty to make has to do with whether or not the Supreme Court of the United States would, under any circumstances, undertake to review the decisions of the Courts below. This determination is made by a reference to the various rules and statutes governing and interpreting the Supreme Court's jurisdiction to review judgments of the State Courts. The statutory provision is covered completely in Title 28, U.S. Code, Section 1257, which is quoted in full as follows:

"No. 1257. State Courts; Appeal Certiorari —

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court as follows:"

(1) By appeal, where is drawn in question the validity of a statute of the United States and the decision is against its validity.

(2) By appeal, where is drawn in question the validity of a statute of any State on the ground of its being repugnant to the Constitution, Treaties or laws of the United States, and the decision is in favor of its validity.

(3) By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question or where the validity of a State Statute is drawn in question on the ground of its being repugnant to

the Constitution, treaties or laws of the United States, or where any title, right, privilege or immunity is specifically set up or claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States. June 25, 1940, C. 646, 62 Stat. 929."

In addition to the foregoing statute, I also refer to Rule 15 of the Supreme Court Rules which rule deals with the contents of a petition for Certiorari. The pertinent part of Rule 15 is quoted below:

"(e) If the appeal is from a State Court, there shall be included a presentation of the grounds upon which it is contended that the Federal questions are substantial (*Sucht* v. *King*, 260 U.S. 174, 176, 177, 43 S. St. 24, 25), which shall show that the nature of the case and of the rulings of the court was such as to bring the case within the jurisdictional provisions relied on and the cases cited to sustain the jurisdiction (sub-paragraph (b) (1v) hereof), and shall include the reasons why the questions presented are so substantial as to require plenary consideration, with briefs on the merits and oral argument, for their resolution."

As you can see from a reading of the foregoing Statute and rule, the basis upon which the Supreme Court would entertain to review your case on the merits is severely limited to the interpretation of the validity of a statute of a State on the ground that it may be repugnant to the Constitution, treaties or laws of the United States.

In the application of the facts of your case (as I was able to understand them) to the statute and rule quoted, together with a study of the case notations, there does not appear to me to be any basis whatsoever upon which the Court, even in a most liberal attitude, would undertake to review your case.

Accordingly it is my opinion that a petition for certiorari would be denied. In order to foreclose any personal doubt of mine on this opinion I have consulted at length with two of my associates who have recently

concluded a total of approximately six years of exclusively Appellate practice. They have both confirmed my opinion.

It is with deep regret that I inform you of this opinion against certiorari, but I am certain you want the truth, since that is the reason for which you retained me.

If you have any questions, please communicate with me. And if you wish to pursue the matter alone or with counsel, notwithstanding my opinion, please be reminded that the deadline for filing is June 18, 1960.

Very truly yours,

MFXD: jmh s/ Michael F. X. Dolan

That defendant respectfully desired to be excused from the obligation of employing Mr. F. X. Dolan, who obviously was unable to secure the facts at the disposal of petitioner, which petition has been able to secure and asks permission to represent himself.

That in order to represent himself in the Supreme Court of the United States, it is necessary for petitioner to make petition to the Supreme Court for permission to so represent himself for the following reasons:

1. That petitioner was fraudulently defrauded out of his expressed and elected to know more of the profession of law, and what better method is there than representing oneself? Especially since he has unjustly been defrauded of that valuable right by the same conspiracy who seeks the property in this case, the 1st Galesburg National Bank and Trust Company (a corporation). That Director John M. Lowrie, Son-in-law of Geo. A. Lawrence of Galesburg, Illinois (deceased 1934) began the system of control of Knox County Lawyers as president (and attorney) of the Knox County Bar Association and President of the 1st Galesburg National Bank, which was joyfully taken over

by Sidney Nirdlinger and Omer N. Custer, former politic Treasurer of the State of Illinois, and Publisher and Owner of the Galesburg Republican Register (and Mail since Purchase while Treasurer of the State.)

That Mrs. John M. Lowrie knew of the control and attempt by the established conspiracy to prevent petitioner from getting through Columbia Law School, Columbia University, New York City, although she denys same but refuses to take a lie test therefor, although Mr. John M. Lowrie admitted same by Motion to Dismiss upon the 1951 Complaint for Conspiracy on his death-bed and passed away with a clear conscience in 1954 after operation for Brain Tumor and Cancer which was not completed.

That Mrs. John M. Lowrie has fallen heir to many valuable farms around Yates City, Illinois, which her Father is said to have illegally garnered by small loans to the farmers of that area during a depression. Petitioner respectfully requests enough of that land to enable him to assist Columbia Law School who is engaged in the expansion of the School and could be grateful to the entire Court to make it possible (through petitioner) to use a million or two for that purpose. That petitioner has consistently expressed his conviction that Mrs. John M. Lowrie might well be able to contribute as much as possible to repay petitioner for the admitted membership in the Knox County Conspiracy which prevented petitioner from earning a living as a lawyer, and which is now being asked for by Mrs. Simond Rifkind in addition to petitioner, and which may be entirely made out to him for such exemplary purpose, and petitioner believes that more good can thus be attained by help to Columbia Law School and University, as they may decide, than to the ultimate Girl's School which is the expressed desire of

Mrs. Rebecca Parks Lawrence, although it is probable there may be enough for all.

That petitioner believes there is much good for him to assist in and will be able to do the work at the direction of the Supreme Court if he is allowed to represent himself, and respectfully requests permission to act as his own counsel and to so obtain membership in the Supreme Court of the United States, and to help others in need without any pay other than the knowledge he will possess of the ability to help in any case of need as ordered, or directed by the Court. That petitioner believes he will have enough to live on without the necessity of earning a living after this Certiorari Appeal, and will be able to help any party in need of help who may now be being defrauded as was and is he. That petitioner be apprised of the Rules and requirements of the Bar Association and to work toward their improvement and perfection beginning with the needs of correction as made manifest in this case. That the ethics and standards of a Supreme Court Lawyer be a portion of the results prayed for in this case.

That an ordered Certiorari be had herein, and is prayed that the guilt of the respondents be purged by an order cessation of the conspiratory practice proven and made manifest herein, and absolved by a judicial determination of the perjury, all to the purpose that the wrong doers may recognize the futility of wrong, and the necessity of constant vigilance and policing, human nature being what it is.

That certiorari, if decided upon by the court, is the amelioration of the illegal gains by the wrongfully attaining from those who have not by those who now have and who have obtained what they have wrongfully. That Mr. E. P.

Cullinan wrote to petitioner April 1, 1960 which he said as follows:

Office of the Clerk
Supreme Court Of The United States
Washington 25, D. C.

April 1, 1960

Mr. Don C. Allensworth
161 North Farnham Street
Galesburg, Illinois

Dear Sir:

I have been directed by Mr. Justice Clark to acknowledge receipt of your letter of March 29th and to advise you that the relief sought should be included in your Petition for Certiorari when such Petition is filed.

Very truly yours,
James R. Browning, Clerk
EPC:jmh By: E. P. Cullinan, Deputy

In compliance it is herewith included in the Petition I am now drawing up, that for the past 30 years my brother has withheld all moneys due for the wrongful taking of horse and lot known as 70 Osage Street, having obtained same from petitioner by the ruse of promising payment and "treating right", but who, after he had received Warranty Deed made out to him and wife, said, "You were a damn fool for signing the property over to me; you can whistle for your money."

That said brother was drunk with power by conspiracy and illegal cooperation with Vice President Sidney Nirdlinger and Omer N. Custer who had made him a Director in 1926 at which time petitioner just returned from Columbia, New York City, and not knowing that the reason for his failure to get through Columbia Law School was because the said conspiracy aided and brought about

the said conspiracy, along with Mr. Geo. A. Lawrence, Pres. of the First National Bank, his daughter Rebecca Parks Lawrence and John M. Lowrie, her husband who admitted he was one of the conspiracy by Motion to Dismiss filed herein as to 1951 conspiracy complaint. That the said Rebecca Parks Lawrence now controls the estate of her father, her husband, John M. Lowrie, amounting to around 40 large farms near Yates City, Illinois. Petitioner respectfully asks for at least $3,000,000 worth of them for the Columbia Law School now on an expansion program at Morningside Heights, New York City and is in great need of funds which she is not entitled to keep for any purpose she may have by reason of her part in the conspiracy, both in its origin and its creation by persuading the Dean Young Berryman Smith of Columbia, and other Professors and Instructors at Columbia to prevent petitioner's adoption of knowledge in Law, and for her attempt to prevent petitioner from getting through Columbia College, where he was premitted to graduate but failed in Law by reason of said conspiracy which existed at Columbia and at Knox County in 1919-1925.

That the said conspiracy also operated in the destruction of all earnings of petitioner by the prevailing of Atty. Burrel Barash and R. C. Woolsey upon petitioner's neighbors near petitioner's farm in Camden Township, Schuyler County, where petitioner has been unable to finish the building of the farm house or the farm to defend himself at law against the said conspiracy. That Mr. A. Clay Williams knew what kind of a victim petitioner was, but would not tell petitioner in court but promised he should have a hearing in the matter as soon as petitioner came in and requested same (by showing he knew the score). Mr. A. Clay Williams was over 90 and read petitioner's pleadings in the poorly lighted Court Room at

Rushville without glasses, and complimented petitioner upon his work, but dismissed the matter until proper papers were brought forward, which petitioner requests at this time. That Atty. R. C. Woolsey said to one of Petitioner's neighbors (Carl Brady): "If you want that farm of Allensworth's across the road (waving his arm), do what we tell you and we will see that you get it." The neighbor was subpoenaed but the then State's Attorney, told him "You do not have to pay any attention to the subpoena." The State's Attorney was E. D. Hardy (disbarred) and who is believed to have worked for and with Woolsey and W. R. Allensworth in the foisting of diseased prostitutes upon petitioner; and cooperation with the proven wrongful conspirators Doctors who caused him to go to the hospital with Epidimitus in order to help the directing Vice Pres. and President of said bank to obtain the property they sought from petitioner.

That the said conspirators also prevailed upon another neighbor and tenant (Hobart Turner) who got into petitioner's farm house and purloined petitioner's rough diamond (believed worth $20,000) who was manifestly paid to steal from petitioner in order to cause him loss; and who then had attorney J. P. Mourning write a letter to petitioner threatning to sue him for $20,000 if the matter of the diamond was mentioned. That said rough diamond was rather large, enough to make more than a 12 karat stone, and other gems, which belonged to petitioner's mother and were a part of her collection. That petitioner can prove possession of the said diamond and other property taken by Hobart Turner, who is believed to have turned same over to the John Deer Dealer in Rushville for a new self propelled combine, and who also bought another farm in the drainage district below Beardstown, which may have been cut by him who may have had the

work done. That petitioner made full report to both the State's Attorney Mr. Utter and to the Clerk, Miss Harriet Hester, but received no answer from either. That replevin of the said property has not been made because the conspiracy has kept petitioner in a legal turmoil, nor has the property been finished, while the conspirators have been allowed to think they have gotten away with the thefts and probably paid off the purloiner who is believed to have insisted upon their keeping their promise to pay according to the value of the property taken. That since Judge Clark has permitted petitioner to include his version, with proof, it is herewith included in this petition.

That petitioner respectfully reports promise to Mrs. Janet Wagner Frank of desire to help Barnard College for Girls (of Columbia, New York City) with funds to put her and two other girls through Barnard from believed earnings of the Plaza property, and desires to ask Columbia to accept $10,000 each for the three scholarships, and to take same from any money contributed from any source, and to be allowed to contribute same from a part of the funds to be obtained from this certiorari, with balance to be used by the Columbia Law School, or to ask Columbia to await future earnings from the Plaza. That petitioner does not desire to renege upon any promise as to Scholarships to any of the girls who must be provided for in time for them of use said scholarship when young.

Certiorari prepared from Record obtained from the Appellate Court of Illinois on June 9, and submitted to the Supreme Court of the United States, Washington, D. C. on or before June 18, 1960 with summary abstract of same to give the names of the Judges.

State of Illinois
Appellate Court
Second District — No. 9917

Term of Court May, 1943 within and for Second Dist.
Present:

Hon. Blaine Huffman, Presiding Justice,
Hon. Franklin R. Dove, Justice,
Hon. Fred G. Wolfe, Justice,
Justice L. Johnson, Clerk,
Clayton C. Harbeck, Sheriff.

July 13, 1943:

Mary Weinberg et al, v. Edwin M. Jenkins et al, (Donald C. Allensworth) Supersedeas overruled and denied.

October 5, 1943:

Appellees appeared specially (R. C. Allensworth & Burrel Barash) move to strike the cause from docket at cost of apellant. Motion be held and not considered at this time.

December 1, 1943:

Appellant, petitioner, for leave to Appeal from the judgment of Knox County Cir. Court and submits Abst. of Record and abstract thereof.

Also respondents (by their attorneys) present special appearance and answer to said petition for leave to appeal.

On this day again come respondents and move to strike the petition of appellant and submit affidavit and sugges-

tions. Court allowed Appellant leave to appeal in the above entitled cause, be and the same is hereby allowed and granted. That other pending motions be not considered.

January 4, 1944:

Motion by appellant for Writ of Dedimus Postestatum in order to take the testimony of certain persons named therein, including a subpoena duces tecum. Overruled and Denied.

January 6, 1944:

"Now On This Day Comes Appellant And Moves The Court For Proper Authentication By Said Appellant Of No. Praecipe And For Extension Of Time In Which To Ascertain Other Failures To Properly Authenticate The Record.

Also come Appellees especially appearing to object to motion of said appellant. Overruled And Denied.

Present:

Honorable Franklin R. Dove, Presiding Justice,
Honorable Fred G. Wolfe, Justice,
Honorable Blaine Huffman, Justice.

Mary Weinberg et al. v. Edwin M. Jenkins et al. (Donald C. Allensworth—Appellant)

March 23, 1944:

All motions now on file or pending Denied.

April 26, 1944:

Same.

April 27, 1944:

Final Order of Affirmance of Knox County Circuit Court.

May 25, 1944:

Motion for extension of time to file petition for a Rehearing. Allowed and extended to June 21, 1944 at 10 A.M. Certification of Record by: Paul V. Wunder, Clerk.

June 8, 1960

> "I was a witness at the *Weinberg v. Jenkins*, hearings and said: I happened to overhear the questions and I heard Don Allensworth ask the witness on the stand, 'Do you believe I did my work on the Plaza building in good faith?' and the answer was, Yes Don I believe you did.' The question and answer were removed and the attorney and master both made affidavit November 16, 1943, 'The question was neither asked or answered in this court.' "

The affirmance by the Appellate Court was done to require the bank to finish the building, but its purchasing agent bought the steel and I-beams for himself, and would not sign them over for use by the bank-owned until after he was let out as President (Gus C. Pahlow). (Victor Casket Co. owned the greatest part by the bank). Since the steel and I-beams were used up in the bank's subsidiary building, the Plaza could not be finished anymore than it was, which was the 1st floor and basement, which was made for the Galesburg Glass Company (Inc.), pretended purchasers from the bank and the occupants of the 1st floor and basement.

That the Doctors were brought in to bring about the demise of appellant, but he went to Dwight Veterans Facility, and got proper treatment for the epidimitis foisted onto him in addition to having the disease foisted upon him in the first place by the lawyers and brother. The lawyers were E. D. Hardy (disbarred), R. C. Woolsey (disbarred) and cooperating members of the Custer political ring, headed by the Mayor, Ralph D. Johnson, Charles A. McDonald (whose wife was placed in peti-

tioner's home to care for Mrs. Mina Weinberg Allensworth), and who sought and found (purloining same) the directory prescription which was not true, made for O. N. Custer (and returned to them) Doctors Wm. Johnson and Ben F. Malstrom. Riley E. Stevens was the Custer Judge and was required not to run for Judge after his last term. That Herlocker as master is also believed to have been disbarred. That the ex-judge set up a trap for petitioner to get picked up between Adair and Bushnell and was removed from the License Division but was immediately assigned to a $10,000 Veteran's job with Gov. Stratton. Mr. Charles Carpentier notified petitioner by letter of the fact that Ralph D. Johnson was no longer connected with his department. It was planned to require petitioner to pay up a controlled fine of $200, but Judge William M. Bardens returned the warrant to the J. P. and said "He did not want it," who happened to be on the McDonough Bench when he overheard petitioner being mentioned as being sought by the State Police.
Gen. Act of 4874 resumed.

Jones Ill. Statutes Annotated 37.317 *By combinations*, Sec. 158 *If any two or more persons shall combine for the purpose of depriving the owner or possessor of property of its lawful use and Management*, or of preventing, by threats, or any unlawful means any person from being employed by or obtaining *Employment* from any such owner or possesor of property, on such terms as the parties concerned may agree upon, such persons so offending shall be fined not less than $500, or confined in the County jail not exceeding six months.

Christianson v. People ex rel Kellog Switchboard & Supply co., 114 App. 40, affg. 216 Ill. 354, 75 N.E. 108.

Jones Perjury and Subornation of 37.427, Sec. 225. Every person having taken a lawful oath or made affirma-

tion, in any judicial proceeding, or in any other matter where by law and oath or affirmation is required, who shall swear or affirm willfully, corruptly and falsely, in a matter material to the issue or point in question, or shall suborn any other person to swear or affirm, as aforesaid, shall be guilty of perjury or subornation of purjury (as the case may be), and shall be imprisoned in the penitentiary not less than one year or more than fourteen years.

Attorney procuring false evidence is guilty of contempt of court, and also of subornation of perjury. *Beatie* v. *People*, 33 App. 651.

Jones 37.431 Sec. 229 Personal Liberty. Refusal to let prisoner see counsel. All Public Officers (includes Judges) Any One Who Destroys, Hinders, Delays or Interferes If The Matter Relates To Preparation Of Defense Shall Be Guilty Of A Misdemeanor, And Subject to Fine Of Not Less Than $100 Or More Than $4500, or imprisonment in the County jail for not to exceed one year, or both at the discretion of the Court. As amended by L. 1927, Entitles one aggrieved to ask for $100 for each offense. That the two Judges Gale A. Mathers and Barton A. Roeth joined the bankers to destroy Petitioner's Appeal to this Court incarcerated petitioner 10 days to require withdrawal of two possessory actions. That this Court gave Petitioner three days for each one of durrance, which has prevented the loss of ability to Appeal to the Supreme Court of the U.S. and made it possible to Appeal, for which petitioner through gratefulness forgives the offense if this Certiorari is successful.

ATTEMPT TO CAUSE DEATH BY POISONING. PUNISHMENT.

Jones 37.432 sec. 230 "Whoever willfully and maliciously administers or causes to be administered or taken by any person, any noxious or destructive substance or liquid, with intent to cause the death of such person any poison with food * * * shall be imprisoned in the penitentiary for not less than one year and not exceeding 20.

CONSPIRACY TO POISON.

That the conspirators in this case attempted to poison petitioner Christmas Eve, 1955 or 1956 in order to be enabled to save the property litigated for themselves. That it is ascertainable to discover who paid Mr. Malcolm Douglas (living on petitioner's property) and who is now being kept in Canada to prevent being apprehended.

Seibert v. *People*, 143 Ill. 571, 32 N.E. 431.

That since petitioner was able to save himself by vomiting, and since the guilty person is believed known, same is to be overlooked in awaiting the success or failure of this Certiorari Appeal, which petitioner believes is also known to the Court, and that the Certiorari will toll the Statutes within the measure satisfactory to petitioner without vengeance.

That petitioner respectfully prays for the discovery of the person guilty in order to obtain settlement for work done for Mrs. A. M. Elliott who owns ½ house and lot in Golden, Illinois, which is desired by the German Lutheran New Church at Golden, Illinois, who have other property petitioner would like to trade same for upon purchase from Miss Grace Elliott of her ½ interest, who is ½ owner in fee with the Elliott 480 acres in Elbert Co.,

Colo. Or if the Elliotts will cooperate with petitioner in the management of the Colorado land, and will agree to pay petitioner ½ of the property yet to be obtained for them all in this action, which has been litigated in Brooks vs. Allensworth, but which has been stymied by the wrongful refusal to prosecute according to law by the lawyers of Knox County.

AGAINST BANKS FOR WRONGFUL ACTS OF ATTORNEYS AND AGENTS.

That the Vice President Sidney Nirdlinger and President O. N. Custer retained the control of lawyers and courts by adopting the practice of control of politics and caused the entire debacle, which resulted in the attempted taking of the unfinished building, wherein the portions usable by the said bank in a building of its own were taken and made it impossible to finish same as may have been the intent of the Appellate Court in allowing the property to remain in their hands. That the greater loss was occasioned by the usage by the said bank of its control to destroy the ability of petitioner to become a lawyer, but who may yet be helped in this Certiorari Appeal in the allowance of petitioner to represent himself. That the control of the A.B.A. by conspiring lawyers of Knox County in order to have their dishonest representations in Schuyler County accepted and joined just because petitioner was not an attorney. That the same condition prevailed in Elbert County, Colorado. That the Knox County lawyers did not care just so petitioner's ability to accomplish legal results were destroyed.

CONCLUSION AND PRAYER

That petitioner respectfully submits the foregoing Appeal for Certiorari and prays for consideration of same by the Supreme Court of the United States.

Respectfully submitted.

DONALD C. ALLENSWORTH,
161 North Farnham Street,
Galesburg, Illinois.

Date: June 14, 1960

APPENDIX.

Office of the Clerk
SUPREME COURT OF THE UNITED STATES
Washington 25, D. C.

Mr. Don C. Allensworth
161 North Farnham St.
Galesburg, Illinois
Dear Sir:

April 1, 1960

I have been directed by Mr. Justice Clark to acknowledge receipt of your letter of March 29th and to advise you that the relief sought should be included in your petition for certiorari when such petition is filed.

James R. Browning, Clerk
Very truly yours,
By /s/ E. P. Cullinan
Deputy

EPC:jmh

161 No. Farnham St.,
Galesburg, Illinois
March 29, 1960

Associate Justice Tom C. Clark
United States Supreme Court
Washington 25, D. C.

Dear Judge Clark:

I wish to thank you for your letter of March 21, 1960 enclosing Order Extending Time To File Petition For Writ Of Certiorari to June 18, 1960.

I wish to say that I talked with Mr. Norton Rider, Secretary of Mechanics Homestead and Loan Company this morning and asked him if I might report to you that I could borrow the money (I should judge up to $5000 if required) for the reason that it is bringing $65 rent regularly now, and that the records of said Loan Company know

that I paid off the other loan regularly, at the time the Company loaned me the money to buy the steel that went into the Plaza Building, most of which was taken by the conspiracy, headed by Sidney Nirdlinger (deceased), Vice President of the First Galesburg National Bank and Trust Company (a corporation). That the Plaza Building was bought at the Master's Sale July 23, 1942 and all of the steel stored therein was taken by the then President of the Victor Casket Hardware Company, Gus C. Pahlow, and used in their own building at 249 S. Chambers Street, who bid it in against Mr. Nirdlinger at the "sale" for $9625, and who "took" all of the contents, including the steel (I-beams and ½" reinforcing steel) stored in the upper floor of the Plaza Building to finish three or four additional floors, which was purchased by Allensworth for use in the building before the death of M. A. L. Weinberg July 20, 1940, at which time the Bank decided to ask same by its control for itself.

That plaintiff decided to give his brother, W. R. Allensworth the Christian opportunity to do as he would reasonably be thought to do by plaintiff, who is his brother, Donald C. Allensworth, and in correct manner offered to forgive everything if he will join plaintiff in a cattle-feeding proposition and to buy another 90, so as to have the land in addition to the key 90 owned by plaintiff. The enclosed offer was mailed to W. R. Allensworth this A.M. at 7:00, addressed to his place of business at Allensworth Finance Co.; South Prairie Street, Galesburg, Illinois (South of the 1st Galesburg National Bank and Trust Co., of which he is a Director). It is not believed that the offer will mean anything for the reason that he is believed to have full confidence in the control exercised over the Courts and the Bank by the conspiracy of which he is believed to be the controlling member, wherein he knows his orders to the lawyers are complete, and his main lawyers are Gale M. Thers (Ex. Judge) and R. C. Woolsey (father of the present State's Attorney, who was proved in the Appellate Court to have perjured himself in support of the then Master in Chancery,—he being the Sales Recorder who

(Appendix)

"heard" the bid of Gus C. Pahlow on July 23, 1943 and failed to hear the "bid" of Sidney Nirdlinger by Burrel Barash, for the crowd, and for Nirdlinger.

That plaintiff built the N. Prairie St. House and traded same to Mr. and Mrs. C. E. Woods for 70 Osage, October 20, 1931. Traded same to W. R. Allensworth and wife November 18, 1931; W. R. Allensworth obtained same by promising plaintiff to "treat him right." That W. R. Allensworth cursed his brother in a day or two by saying: "You were a damn fool for deeding me the property,—you can whistle for your money." That W. R. Allensworth's legal advisors (Mathers and Woolsey, Sr.) tried to get him to make "gifts" for as much as $500 cash to plaintiff, which he would never accept, and at Christmas time labeled "Gifts" but which were never accepted. W. R. Allensworth prevailed upon the Minister of their church (Congregational Christian, not E. & R.) to attempt to get plaintiff to withdraw the possessory actions January, 1959, but which plaintiff refused to do.

It is respectfully believed that the E. & R. "Synod" has wrongfully tried to get control of the Cong. properties in the U. S. whose value totals over $125,000,000. That the Evangelical and Reformed Synod is known to be possessed of a mere badly plastered $3,000,000. It is respectfully believed that the leaders of the attempted fraud(gigantic) attempted to be put over on the Congregational Christian Churches of America with Headquarters in Boston and Chicago are centered here in Galesburg, Illinois, and at the First Galesburg National Bank and Trust Company (a corporation). That Harold F. Nichols and W. R. Allensworth control the bank and are the two leaders (at least here in Galesburg and Illinois). W. R. Allensworth has been said to be the President ahead of Nichols. That the E. & R. "Synod" have already secured control of the Congregation Printing Presses, and the Congregationalists (genuine) are much perturbed; an action is pending in the Eastern Department of New York Judge Dimock, awaiting a decree in the matter, wherein it is believed the

Congregationalists will win, but they must work for the Congregationalists and try to regain what has been transferred by fraud to the E. & R. Controllers. a militant germanic group with absolately no right to associations with Congregationalists, upon no "Basis of Union" whatever.

It is respectfully requested that investigation of the law of Prom. Note No. 12979 and Scire Facias 14060, be looked into, and set aside. That if W. R. Allensworth will not accept the Christian offer to do by others as he would be done by, that the law take over.

That plaintiff admits he had to obtain $500 from W. R. Allensworth to build the Locust St. House (still clear and may be put up for Bond upon clearance of Title by this Court), but which plaintiff had to obtain from W. R. Allensworth a a "Personal Property Mortgage" which he demanded, but which plaintiff credits W. R. Allensworth the amount as paid upon 70 Osage St. which is all plaintiff has ever received, and it as something else.

Plaintiff Prays for title clearance by this Court so that Bond can be obtained from collateral of 42 Locust St.

Verification:

I, Don C. Allensworth, being duly sworn depose and say that I am the plaintiff, that the property is clear other than the fraudulent liens placed thereupon by Judge Gale A. Mathers and W. R. Allensworth.

/s/ Don C. Allensworth

Subscribed and sworn to before me
this 29th day of March, 1960.
(Seal)